

**REMARKS**

In the above-mentioned office action, all of the pending claims, claims 1-16, were rejected under Section 102(e) over *Vialen*.

Responsive to the rejection of the claims, the independent claims, claims 1, 4, 5, 14, 15, and 16 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present invention over the cited reference used against the claims.

Support for the amendments is found in the specification, for instance, on page 8, lines 20-21, page 10, lines 9-11, and page 10, lines 20-22.

With respect to exemplary claim 1, the claim has been amended, now to recite the operation of determining whether a ciphering activation time for DPCH information element that identifies a ciphering activation time is present in the message. Others of the independent claims have been analogously amended.

To the extent that the examiner asserts that the claimed invention, as now amended, is disclosed in the *Vialen*, such assertion is respectfully traversed.

Even assuming, for purposes of argument, that the *Bearer\_Reconf\_Req* disclosed in *Vialen* is otherwise identical to any of the messages set forth in any of the claims, as now recited, there is no reference in *Vialen* of a ciphering activation time for DPCH information element that identifies a ciphering activation time. There additionally is no disclosure of any determination at the UE of whether such an information element is in the *Bearer\_Reconf\_Req* disclosed of *Vialen*. Yet further, with respect to claims 1-3 *Vialen* further fails to make any disclosure of returning a response message indicating the absence of the information element. And further, with respect to claim 5, *Vialen* further fails to disclose selection of an activation responsive to a determination of absence of deciphering activation time for DPCH information element that identifies a ciphering activation time.

*Vialen* appears merely to pertain to reconfiguration of a cellular radio network connection. There is no disclosure of a message having an information element that identifies a ciphering activation time.

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Columns 9-10, relied upon by the Examiner in the rejection of the claims, of Vialen make reference to a reconfiguration request message, BEARER\_RECONF\_REQ. But, the reconfiguration request message is not a message that identifies a ciphering activation time. Vialen wholly fails to make reference to a ciphering activation time, and there would not be any reason to infer that the disclosed reconfiguration request message includes or pertains to such. Analogously, while columns 9-10 further make reference to reply messages BEARER\_COMPL and BEARER\_FAIL that indicate success or failure of reconfiguration, these messages also are not messages that identify a ciphering activation time. And, there would further not be any reason to infer that the disclosed reply messages pertain to such.

As the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited reference for the same reasons as those given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1, 4, 5, 14, 15, and 16, and the dependent claims dependent thereon, are believed to be conditioned for allowance. For examination and reconsideration for allowance of these claims is therefore, respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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